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8       IN THE UNITED STATES DISTRICT COURT FOR THE  
9                   NORTHERN DISTRICT OF CALIFORNIA  
10

11      RICHARD P. WELLS, For Himself  
12      And In His Representative Capacity  
13      As Administrator of the Estate of  
14      Marilyn Wells, Decedent, and As  
15      Guardian of His Minor Children,

16                   Plaintiff,

17                vs.

18      CALIFORNIA PHYSICIANS'  
19      SERVICE, dba BLUE SHIELD OF  
20      CALIFORNIA,

21                   Defendants.

22                   Case No. C 05 1229 CRB

23                   **STIPULATION AND [PROPOSED]  
24                   ORDER CONTINUING  
25                   SETTLEMENT CONFERENCE**

26                   **Settlement Conference:**

27                   Date: July 24, 2007

28                   Time: 9:30 a.m.

29                   Place: Courtroom A

30        IT IS HEREBY STIPULATED by and between plaintiff Richard P. Wells, in  
31        his individual capacity, as administrator of the Estate of Marilyn Wells, decedent,  
32        and as guardian of his minor children ("Plaintiff") and defendant California  
33        Physicians' Service, dba Blue Shield of California's ("Blue Shield"), through their  
34        respective counsel of record, as follows:

35        WHEREAS, a Settlement Conference in the above-captioned matter is  
36        currently scheduled for 9:30 a.m. on July 24, 2007;

37        WHEREAS, the Court denied Blue Shield's motion for summary judgment  
38        based on Plaintiff's standing in an order dated March 26, 2007;

1           WHEREAS, Plaintiff's Counsel has been under medical care for Coronary  
2 Artery Disease since 1980 and for Type 2 diabetes since 1991. He has had  
3 quintuple by-pass surgery in 1981, quadruple by-pass surgery in 1991 and  
4 angioplasties and stent procedures in 1999, 2001, 2004 and 2005. In 2004, after  
5 suffering coronary arrest, he had an internal defibrillator implanted, and in 2005,  
6 that defibrillator was replaced. In late November, 2006, his right coronary artery  
7 bypass graft occluded, and that is now inoperable. Nonetheless, he has continued to  
8 practice law with the help of his physicians and the best medical care he can obtain;

9           WHEREAS from early February, 2007 until June 30, 2007, Plaintiff's  
10 Counsel experienced symptoms of diabetes and congestive heart failure, including  
11 hypoglycemia, edema, shortness of breath, heart palpitations, and fatigue  
12 preventing him, among other things, from traveling by air, and has been under  
13 medical care for all of these symptoms and conditions which it is now known were  
14 caused in part by side effects from prescribed medications;

15           WHEREAS, because of such symptoms and conditions, Plaintiff's Counsel  
16 has been unable to conduct the contemplated discovery in this case;

17           WHEREAS, Plaintiff's Counsel and his physicians have now modified his  
18 drug regimen so as to alleviate materially the adverse side effects of his  
19 medications;

20           WHEREAS, Plaintiff's Counsel is now able to travel and carry on a  
21 reasonably full schedule, including conducting the contemplated discovery;

22           WHEREAS, the parties continue to believe that additional discovery and  
23 depositions should be conducted before continuing to pursue settlement in this  
24 action;

25           WHEREAS, the parties intend to conduct significant discovery and  
26 depositions during the next 90 days;

1 NOW, THEREFORE, and based upon the above recitals, it is hereby agreed  
2 and stipulated by the parties hereto, through their respective attorneys of record,  
3 that:

4 1. The Settlement Conference presently scheduled for 9:30 a.m. on July  
5 24, 2007 is continued to October 25, 2007 at 9:30 a.m., or such other later time as  
6 Magistrate Judge Spero may direct.

7 IT IS SO STIPULATED.

8 MANATT, PHELPS & PHILLIPS, LLP  
9 GREGORY N. PIMSTONE  
10 ADAM PINES  
11 TRAVIS A. CORDER

12 Dated: July 19, 2007

13 By: s/ Adam Pines

14 Adam Pines  
15 *Attorneys for Defendant*  
16 CALIFORNIA PHYSICIANS' SERVICE,  
17 dba BLUE SHIELD OF CALIFORNIA

18  
19 BENJAMIN FRANKLIN LEGAL  
20 FOUNDATION

21 Dated: July 19, 2007

22 By: s/ James B. Rhoads

23 James B. Rhoads  
24 *Attorney for Plaintiff*  
25 RICHARD P. WELLS

26 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding  
27 signatures, Adam Pines hereby attests that concurrence in the filing of this  
28 document has been obtained.*

29 **ORDER**

30 IT IS SO ORDERED.

31 Date: July 23, 2007

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